

7

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

Plaintiff,

v.

D-1 HERSHEL MARION,

Defendant.

Case: 2:22-cr-20427

Judge: Murphy, Stephen J.

MJ: Altman, Kimberly G.

Filed: 08-17-2022

INDI USA VS SEALED MATTER (DP)

VIO: 21 U.S.C. § 846

21 U.S.C. § 841(a)(1)

21 U.S.C. § 856(a)(1)

21 U.S.C. § 843(b)

INDICTMENT

THE GRAND JURY CHARGES:

COUNT ONE

(21 U.S.C. §§ 846 & 841(a)(1) - Conspiracy to Possess with Intent to Distribute
and to Distribute a Controlled Substance)

D-1 HERSHEL MARION

1. Beginning in or around March 2017 and continuing to on or about May 14, 2019, in the Eastern District of Michigan, and elsewhere, the defendant, Hershel Marion, did knowingly and intentionally combine, conspire, confederate, and agree with other persons known and unknown to the grand jury to possess with the intent to distribute and to distribute controlled substances.

2. The controlled substances attributable to Hershel Marion as a result of his own conduct, and the conduct of other members of the conspiracy that was reasonably foreseeable to him, are:

- a. A mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propenamide, commonly known as fentanyl, a Schedule II controlled substance;
- b. A mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance; and
- c. A mixture and substance containing a detectable amount of cocaine base, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 846 841(a)(1), and 841(b)(1)(C).

COUNT TWO

(21 U.S.C. § 841(a)(1) – Distribution of a Controlled Substance
Resulting in Death)

D-1, HERSHEL MARION

On or about May 14, 2019, in the Eastern District of Michigan, the defendant, Hershel Marion, did knowingly and intentionally distribute a controlled substance, specifically a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanimide, commonly known as fentanyl, which is a schedule II controlled substance, and as a result of using the substance so distributed, Victim 1, a person whose identity is known to the grand jury, died, all in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).

COUNT THREE

(21 U.S.C. § 856(a)(1)-Maintaining a drug premises)

D1 HERSHEL MARION

Beginning in or around March 2017 and continuing through on or about May 14, 2019, in the Eastern District of Michigan, the defendant, Hershel Marion, did knowingly use and maintain a place located at 20491 Exeter Street, Detroit, Michigan, for the purpose of manufacturing, distributing, and using controlled substances, including heroin, cocaine base, and N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanimide, commonly known as fentanyl, in violation of Title 21, United States Code, Section 856(a)(1).

COUNT FOUR

(21 U.S.C. § 843(b)-Unlawful use of a communication facility)

D1 HERSHEL MARION

Beginning on or about March 14, 2018, and continuing through on or about April 14, 2018, in the Eastern District of Michigan, the defendant, Hershel Marion, did knowingly and intentionally use a communication facility, that is, a telephone, in facilitating the commission of any act or acts constituting a felony under Title 21, United States Code, Sections 841 and 846, that is, the offense set forth in Count 1 of this indictment, all in violation of Title 21, United States Code, Section 843(b).

FORFEITURE ALLEGATIONS

1. The allegations set forth above in this Indictment are hereby incorporated by reference as if they were set forth in full herein for the purpose of alleging forfeiture pursuant to Title 21, United States Code, Section 853.

2. Pursuant to Title 21, United States Code, Section 853(a), upon conviction of any of the controlled substance offenses in violation of Title 21, as alleged in this Indictment, the defendant shall forfeit to the United States: (a) any property, real or personal, constituting or derived from any proceeds obtained, directly or indirectly, as a result of such violation; and (b) any property, real or personal, used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such violation(s).

3. **Substitute Assets:** If the property described above as being subject to forfeiture, as a result of any act of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property that cannot be divided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. 853(p) as incorporated by 18 U.S.C. 982(b), to seek to forfeit any property of the defendant up to the value of the forfeitable property described above.

5. **Money Judgment:** Upon conviction of one or more violations alleged in this Indictment, the United States will seek a forfeiture money judgment against the defendant in an amount representing the total amount of proceeds obtained as a result of the aforementioned offenses, and/or the total amount involved in the violations of Title 21, United States Code, Section 841, 846, 856, and 843.

THIS IS A TRUE BILL

s/ Grand Jury Foreperson
GRAND JURY FOREPERSON

DAWN N. ISON
United States Attorney

s/ Benjamin Coats
BENJAMIN COATS
Chief, Drug Task Force
Assistant United States Attorney

s/ Jihan Williams
JIHAN WILLIAMS
Assistant United States Attorney

s/ Robert White
ROBERT WHITE
Assistant United States Attorney

Dated: August 17, 2022

United States District Court Eastern District of Michigan	Criminal Case Cover Sheet	Case Number:
--	----------------------------------	--------------

NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

Companion Case Information	Companion Case Number: 20-20171
This may be a companion case based on LCrR 57.10(b)(4) ¹ :	Judge Assigned: Gershwin A. Drain
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	AUSA's Initials: JMW

Case Title: USA v. Hershel Marion

County where offense occurred: Wayne

Offense Type: Felony

Indictment -- no prior complaint

Superseding Case Information

Superseding to Case No: _____ **Judge:** _____

Reason:

Defendant Name


Charges

Prior Complaint (if applicable)

Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case

August 17, 2022

Date


 Jihan Williams
 Assistant United States Attorney
 211 W. Fort Street, Suite 2001
 Detroit, MI 48226
 jihan.williams@usdoj.gov
 (313) 226-9520
 Bar #: P77686

¹ Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, or (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.